

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

JUAN MOLINA-PENA,
Defendant,

NO. CR-12-6014-WFN-1

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS

**UNITED STATES MARSHAL
ACTION REQUIRED**

A first pretrial conference and motion hearing was held May 7, 2012. The Defendant, who is in custody, was present and represented by Alison Guernsey; Assistant United States Attorney Alison Gregoire represented the Government.

The Court addressed Defendant's Motion to Dismiss. Both parties agreed that Defendant was statutorily eligible for relief under § 212(c) when he appeared for his deportation hearing. After balancing the adverse factors evidencing Defendant's undesirability as a permanent resident with the social and humane considerations presented on his behalf, this Court concluded that Defendant has made a heightened showing that his case presented unusual or outstanding equities and that there were "plausible grounds for relief" for him under § 212(c). *United States v. Ramos*, 623 F.3d 672, 684 (9th Cir. 2010).

The Court has reviewed the file and Motion and is fully informed. This Order is entered to memorialize the oral rulings of the Court. Accordingly,

IT IS ORDERED that:

1. Defendant's Motion to Dismiss Indictment, filed April 5, 2012, **ECF No. 23**, is **GRANTED** for the reasons stated on the record.

1 2. The Indictment in this matter is **DISMISSED WITH PREJUDICE**.

2 3. The United States Marshals Service shall **IMMEDIATELY RELEASE** their hold
3 on the Defendant.

4 The District Court Executive is directed to file this Order and provide copies to
5 counsel **AND TO** the United States Marshals Service.

6 **DATED** this 8th day of May, 2012.

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9 05-07-12

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE